

Serial No. 10/525,852

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DEC 28 2007

### AMENDMENT TO THE CLAIMS

1. (Currently Amended) An orthopaedic device for the correction of wrongly positioned toes, comprising:

a first fastening provision in a region of a big toe,

a second fastening provision in a region of a central foot, and

a flexible splint, which is held by the fastening provisions in the regions of the big toe and the central foot and which extends along an inner side of the foot wherein the flexible splint is formed as a hinged flexible splint, articulated in a direction of flexion and extension of a toe or toes requiring correction, the flexible splint including a hinge mechanism positioned on the main big toe joint and having a pivot axis that corresponds approximately to the joint axis of the main big toe joint in the direction of flexion and extension.

2. (Withdrawn) A device in accordance with Claim 1 wherein the orthopaedic device includes a stocking or similar enclosing element for a foot that carries the fastening provisions in the regions of the big toe and the central foot and the flexible splint.

3. (Previously Presented) A device in accordance with Claim 1, wherein the flexible splint has hinged splint shanks whose three-dimensional form may or may not be planar.

4. (Previously Presented) A device in accordance with Claim 3, wherein the hinged splint shanks have a lenticular cross-section.

5. (Canceled)

6. (Withdrawn) A device in accordance with Claim 2, wherein the stocking is open in the region of the toes.

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7. (Withdrawn) A device in accordance with Claim 2, wherein the device incorporates a holder for the big toe that is joined as one piece with the stocking or that is attached to the stocking.

8. (Withdrawn) A device in accordance with Claim 7, wherein the holder for the big toe fully encloses the big toe and which is open or closed at a free toe end.

9. (Withdrawn) A device in accordance with Claim 2, wherein the device incorporates an annular binding in the region of the central foot entirely surrounding the central foot and connected to the stocking.

10. (Withdrawn) A device in accordance with Claim 9, wherein a first annular binding surrounds the outside of the stocking in the region of the central foot.

11. (Withdrawn) A device in accordance with Claim 10, wherein a second annular binding fully encloses the holder for the big toe in the region of the free end of the big toe, and fully surrounds the big toe.

12. (Withdrawn) A device in accordance with Claim 11, wherein the first and second annular bindings are formed of a flexible, supple material resistant to tension in the circumferential direction.

13. (Withdrawn) A device in accordance with Claim 11, wherein in the region of one inner side of the foot both the first annular binding and the second annular binding in some areas are not joined to the stocking or to the holder for the big toe, so that between the annular bindings and the holder for the big toe or the stocking, fastening/holding provisions are formed.

14. (Withdrawn) A device in accordance with Claim 13, wherein the fastening provisions consist of push-in pockets.

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15. (Previously Presented) A device in accordance with Claim 1, wherein the flexible splint incorporates a first hinged splint shank and a second hinged splint shank which are able to pivot around an axis having an articulated connection through a hinge mechanism.
16. (Withdrawn) A device in accordance with Claim 15, wherein the first hinged splint shank extends from the hinge mechanism to a first fastening provision and the second hinged splint shank extends to a second fastening provision.
17. (Previously Presented) A device in accordance with Claim 1, wherein a foot-spreading pad is used in an area of the sole of the foot behind the main joints of the toes for retrocapital support of the central foot.
18. (Withdrawn) A device in accordance with Claim 13, wherein the fastening provisions are formed as pouches sewn onto the stocking or fixed in some other way.
19. (Withdrawn) A device in accordance with Claim 2, wherein the stocking is a compression stocking.
20. (Previously Presented) A device in accordance with Claim 15, wherein the hinge mechanism consists essentially of the first hinged splint shank, the second hinged splint shank and a hinged splint shank connecting mechanism.
21. (Previously Presented) A device in accordance with Claim 3, wherein the hinged splint shanks each have a free end and a hinge end at the hinge mechanism.

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22. (Previously Presented) A device in accordance with Claim 21, wherein the hinge ends near the hinge mechanism have a three-dimensional form, and are formed so as to correspond to each other in such a way that the hinge end of one of the hinged splint shanks can be inserted into the hinge end of another of the hinged split shanks and interlock.
23. (Previously Presented) A device in accordance with Claim 15, wherein the hinged splint shanks and the hinge mechanism have a three-dimensional form adapted to the shape of the patient's foot.
24. (Previously Presented) A device in accordance with Claim 21, wherein the hinge ends of the hinged splint shanks have a form corresponding to one another with rotational symmetry about a pivot axis that corresponds approximately to the joint axis of the main big toe in the direction of flexion and extension.
25. (Previously Presented) A device in accordance with Claim 3, wherein the hinged splint shanks are manufactured from thin, carbon-fibre reinforced plate.
26. (Previously Presented) A device in accordance with Claim 1, wherein a force (F1) can be exerted on the big toe in the direction of the inner side of the foot by the flexible splint for lateral correction of the big toe.
27. (Previously Presented) A device in accordance with Claim 26, wherein there is a provision for exerting the force (F1) on one or more neighbouring toes.
28. (Currently Amended) A device according to Claim 27, wherein the provision consists of a ~~tension element which joins a toe holder~~ joining the big toe to one or more neighbouring toes ~~for more than one of the toes~~ of a foot.

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29. (Previously Presented) A device in accordance with Claim 3, wherein the hinged splint shanks have a three-dimensional form substantially that of a plate, longitudinally and laterally convex, having a first longitudinal boundary and a second longitudinal boundary as well as a narrow boundary.

30. (Previously Presented) A device in accordance with Claim 29, wherein in the region of the longitudinal boundaries, and parallel to them, slots are provided, with the effect that a central stay, edge stays and intermediate stays are formed.

31. (Previously Presented) A device in accordance with Claim 29, wherein the convexities of the hinged splint shanks are longitudinally and transversely adapted to the anatomical features of a foot.

32. (Withdrawn) A device in accordance with Claim 9, wherein the annular bindings are joined to the hinged splint shanks.

33. (Withdrawn) A device in accordance with Claim 9, wherein the annular bindings incorporate loop straps and free ends.

34. (Previously Presented) A device in accordance with Claim 15, wherein the hinge mechanism is formed as an annular hinge with a hinge ring and a hinge disk.

35. (Previously Presented) A device in accordance with Claim 34, wherein the hinge ring is joined as one piece with the first hinged splint shank and/or the hinge disk is joined as one piece with the second hinged splint shank.

36. (Previously Presented) A device in accordance with Claim 15, wherein the hinged splint shanks have a material thickness that tapers towards each of two edge regions.

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37. (Previously Presented) A device in accordance with Claim 1, wherein the surface regions of the hinged splint that lie along the patient's foot are smooth.

38. (Previously Presented) A device in accordance with Claim 34, wherein an annular ridge is moulded onto the hinge disk, and this operates in combination with the hinge ring with the result that radial relationship of the hinge disk and of the hinge ring is maintained.

39. (Previously Presented) A device in accordance with Claim 34, wherein for axial positioning of the hinge ring relative to the hinge disk, engaging elements that operate together with an annular step are provided.

40. (Previously Presented) A device in accordance with Claim 15, wherein the hinge mechanism is covered by a closing cap.

41. (Previously Presented) A device in accordance with Claim 40, wherein the closing cap is connected to the hinged splint by engaging devices.

42. (Previously Presented) A device in accordance with Claim 15, wherein the longitudinal extension of the hinged splint shanks enclose angles  $\alpha$  and  $\beta$  with the pivot axis, and where the angles  $\alpha$  and  $\beta$  are chosen in such a way that the hinged splint can be placed against a patient's foot in such a way that the pivot axis of the hinge mechanism is approximately in line with the anatomical joint axis of the main big toe joint.

43. (Previously Presented) A device in accordance with Claim 42, wherein the angle  $\alpha$  is between  $75^\circ$  and  $115^\circ$ .

44. (Previously Presented) A device in accordance with Claim 42, wherein the angle  $\beta$  is between about  $70^\circ$  and  $110^\circ$ .

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45. (Previously Presented) A device in accordance with Claim 40, wherein the closing cap is joined to the first hinged splint shank.
46. (Previously Presented) A device in accordance with Claim 40, wherein the closing cap is joined to the second hinged splint shank.
47. (Withdrawn) A device in accordance with Claim 40, wherein the closing cap is formed as an axial bearing.
48. (Previously Presented) A device in accordance with Claim 1, wherein the hinged splint is manufactured from a plastic resistant to impact and not irritating to the skin.
49. (Previously Presented) A device in accordance with Claim 15, wherein annular bindings around the central foot and around the big toe of the patient are positioned or threaded through the hinged splint shanks without creating steps.
50. (Previously Presented) A device in accordance with Claim 49, wherein the annular bindings are fully threaded into the second hinged splint shank prior to application to the patient's foot.
51. (Previously Presented) A device in accordance with Claim 15, wherein the device is not fixed rigidly to the foot, so that when worn the device can adapt the position of the hinge axis of the hinge mechanism individually to the anatomical features of the patient's foot.

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52. (Previously Presented) A device in accordance with Claim 1, wherein the flexible splint comprises a first splint shank with a first splint shank hinge end and a second splint shank with a second splint shank hinge end, and one of the first splint shank hinge end and the second splint shank hinge end comprises a first shape that is inserted into and interlocked with a second shape of an other of the first splint shank hinge end and the second splint shank hinge end.